

**REMARKS**

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4). Paragraphs 15, 16, and 17 are amended to clarify that reference numbers 9C and 10C refer only to one structure. Regarding reference character 4, the Examiner states " '4' has been used to designed both highly doped layers and heavily doped layers in paragraph [0017] of page 4." Applicants have amended paragraph 17, though it is clear from the context of paragraph 17 that "highly" doped and "heavily" doped both refer to the same structure.

Claims 1-2, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludowise, U.S. Published Application 2005/0045893, in view of Cho et al., U.S. Patent 5,226,053. The present application and Ludowise were, at the time the present claimed invention was made, owned by, or subject to an obligation of assignment to, the same person. Accordingly, since Ludowise qualifies as prior art only under 35 U.S.C. 102(e), 35 U.S.C. 103(c) disqualifies Ludowise as prior art in a 103(a) rejection.

Cho et al. lacks at least one of a cladding region of first conductivity type, a contact region of first conductivity type adjacent to the cladding region of first conductivity type, and at least one heavily doped layer disposed within the cladding region of first conductivity type, as recited in claim 1, thus claim 1 is allowable over Cho et al. Claims 2-13 and 15-19 depend from claim 1 and are therefore allowable for at least the same reason.

Applicants thank the Examiner for indicating that claims 3-13, 15, 16, 18, and 19 are allowable.

PATENT LAW  
GROUP LLP  
2535 N. FIRST ST.  
SUITE 223  
SAN JOSE, CA 95134  
(408) 382-0480  
FAX (408) 382-0481

In view of the above arguments, Applicants respectfully request allowance of all pending claims. Should the Examiner have any questions, the Examiner is invited to call the undersigned at (408) 382-0480.

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R. Leiterman 5/25/05  
Signature Date

Respectfully submitted,

R. Leiterman

Rachel V. Leiterman  
Attorney for Applicants  
Reg. No. 46,868

PATENT LAW  
GROUP LLP  
2635 N. FIRST ST.  
SUITE 225  
SAN JOSE, CA 95134  
(408) 382-0480  
FAX (408) 382-0481